

Message Text

UNCLASSIFIED POSS DUPE

PAGE 01 MADRID 03218 262047Z

21

ACTION L-03

INFO OCT-01 EUR-12 ISO-00 JUSE-00 COME-00 EB-07 TRSE-00

FTC-01 CIAE-00 DODE-00 PM-04 H-02 INR-07 NSAE-00

NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 SEC-01 /078 W

----- 124941

R 261413Z APR 76

FM AMEMBASSY MADRID

TO SECSTATE WASHDC 5471

INFO AMCONSUL BILBAO

AMCONSUL BARCELONA

UNCLAS MADRID 3218

FOR L/PM ACTION

E.O. 11652: N/A

TAGS: PGOV, PFOR, SP

SUBJECT: FOREIGN LAWS ON QUESTIONABLE PAYMENTS

REF: STATE 94647

1. THERE IS SPANISH LAW COVERING ALL POINTS LISTED IN REF
CABLE. THE SPECIFIC REGULATIONS ARE AS FOLLOWS:

QUESTION A. YES. PENAL CODE OF SPAIN; CHAP. V, ART. 539
AND 540, CHAP IX, ARTS. 385-393, AND CHAP. XI, ARTS. 400
AND 401, PROHIBITS THE OFFER, SOLICITATION, GIVING OR
RECEIPT OF MONIES OR OTHER THINGS OF VALUE TO INFLUENCE
OFFICIAL ACTIONS.

QUESTION B. YES. THERE IS NO SPECIFIC REGULATION ON
DISCLOSURE OF PAYMENTS MADE TO GOVERNMENT OFFICIALS.
HOWEVER, PAYMENTS MADE TO INFLUENCE ACTIONS ARE PROHIBITED
BY THE PENAL CODE AS CITED ABOVE AND DECREE LAW 315/1964,
SECTION 2, ARTS. 82 AND 83 PROHIBITS GOVERNMENT OFFICIALS
ENGAGING IN (AND THUS RECEIVING PAYMENT FOR) ACTIVITIES WHICH
ARE "INCOMPATIBLE" WITH THEIR OFFICIAL RESPONSIBILITIES.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MADRID 03218 262047Z

QUESTION C. YES. DECREE 3410/1975, GENERAL REGULATION OF

STATE CONTRACTS, IN ARTICLE 25, ADMITS AGENTS ACTING ON BEHALF OF CONTRACTORS. ALL COMMERCIAL TRANSACTIONS WITH THE STATE ARE COVERED BY THIS DECREE.

QUESTION D AND E. YES. DECREE LAW 7/1974, POLITICAL ASSOCIATIONS, ARTICLE 22, STATES THAT THE NATIONAL MOVEMENT WILL CONTRIBUTE TO THE FINANCING OF POLITICAL ASSOCIATIONS IN PROPORTIONAL AMOUNTS. NEW REGULATIONS BEING PROPOSED ON POLITICAL ASSOCIATIONS WILL SPECIFICALLY PROHIBIT PRIVATE CONTRIBUTIONS.

QUESTION F. YES. THE COMMERCIAL CODE OF SPAIN REGULATES ALL COMMERCIAL TRANSACTIONS IN THE COUNTRY AND CONTAINS SECTIONS DEALING WITH ILLEGAL PRACTICES. THE CODE HAS RECENTLY BEEN REVISED AND AS SOON AS A COPY OF THE NEW CODE CAN BE OBTAINED THE POST WILL FORWARD IT TO THE DEPARTMENT WITH APPROPRIATE COMMENT.

2. POST BELIEVES CITATION OF APPROPRIATE LAWS PROVIDES SUFFICIENT SUMMARY. FULL TEXT OF RELEVANT LAWS, EXCEPT COMMERCIAL CODE, BEING FURNISHED TO L/PM.
STABLER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, BRIBERY, BUSINESS FIRMS, FOREIGN INVESTMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MADRID03218
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760159-0228
From: MADRID
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760423/aaaaasuy.tel
Line Count: 83
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 94647
Review Action: RELEASED, APPROVED
Review Authority: buchant0
Review Comment: n/a
Review Content Flags:
Review Date: 30 AUG 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30 AUG 2004 by cookms>; APPROVED <14 DEC 2004 by buchant0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FOREIGN LAWS ON QUESTIONABLE PAYMENTS
TAGS: PGOV, PFOR, EINV, SP, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006